

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 10 and 24. Applicant respectfully submits no new matter has been added. Accordingly, Claims 1-10, 15, and 22-26 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Examiner Objections - Claims**

The Examiner objected to claim 10 because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims as suggested by the Examiner in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 112**

Claim 24 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Applicant has corrected the deficiencies in claim 24 and the Applicant respectfully submits that claim 24 is now allowable.

### **Claim Rejections – 35 U.S.C. § 102(a)**

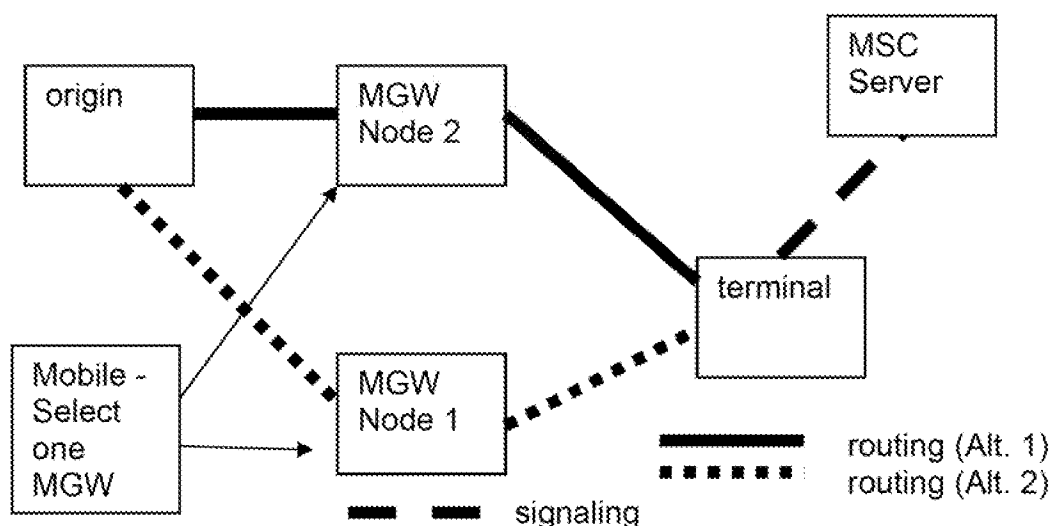
The Examiner rejected claims 1, 3, 7, 9, 10, 15, 24, 25 and 26 under 35 U.S.C. § 102(a) as being anticipated by Valentine, *et al.* (US 6,353,607). The Applicant respectfully traverses the rejection of these claims.

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

The Applicant respectfully contends that the cited art reference, Valentine, does not disclose the claim 1 element; "...based on the positional information, selecting one of the two or more MGWs of the connectivity plane via which the connectivity plane message is to be routed to the mobile terminal...". The present invention exploits the recognition that connectivity plane messages (user data) and network control plane messages (network signaling data) need not be routed together through the same sequence of nodes. The present invention routes a connectivity plane message by taking into account positional information that indicates the geographical location of the mobile terminal. As disclosed in the present invention, connectivity messages may be routed to a mobile terminal through a node selected to minimize system resources, while network control messages are sent to the network control plane node that is associated with the mobile terminal via different intermediate nodes. Simply put, the present invention teaches reaching a mobile terminal via at least two different routes through different media gateways and the route/gateway is selected based on the position/location of the mobile terminal.

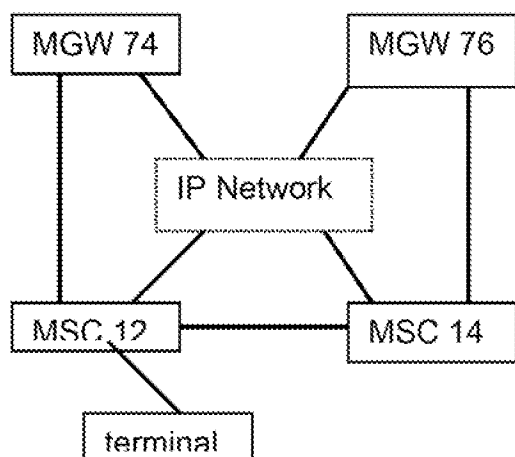
The following is a simplified, high level block diagram of the basic notion of the present invention and it is presented here to more clearly illustrate the present invention.



To summarize, the present invention teaches sending connectivity messages via specific nodes (e.g., MGWs) along a connectivity plane and basing the route taken by the messages on the location of the mobile terminal, which relates to a controlling component (MSC Server) and to which the mobile terminal is attached. The MGW and thus the route are selected according to the most advantageous routing of the connectivity messages.

The Valentine reference discloses an MSC hand-over technique between two interconnected MSCs (having corresponding media gateways (Abstract). Each MSC is coupled to its own corresponding media gateway, i.e., MSC 12 is connected to MGW 74 and MSC 14 is connected to MGW 76 and in turn to the IP network which means that the gateways are configured to recognize IP network addresses and receive control messages that redirect IP packets to the IP network using the IP network address.

As pointed out above, Valentine does not select a gateway. As indicated in the Valentine Summary and the section cited by the Examiner there is an "associated" or "corresponding" MGW for each MSC (col. 4, lines 56 and 67, col. 5, lines 14, 28 and 51). Figures 5, 6 and 7 of the Valentine reference each illustrate that the MSCs have corresponding gateways (MSCs 12 and 14 have corresponding MGWs 74 and 76). There is no selection step disclosed in the Valentine reference and it appears that Valentine teaches away from selecting MGWs.



Block diagram of the pertinent portion of Figure 5 (figures 6 and 7 are similar) of the Valentine reference indicating the corresponding MGWs.

So, contrary to the Examiner's statement that all elements are disclosed in the Valentine reference, at least the element regarding selecting one of the two gateways is not disclosed by Valentine. So, the rejection is unsupported by the art and the Applicant respectfully requests allowance of claim 1 and analogous independent claims 10, 15, 24 and 25. Additionally, due to the respective dependence on independent claims 1, 10, 15, 24 and 25, the allowance of dependent claims 3, 7, 9, and 26 is also requested.

#### **Claim Rejections – 35 U.S.C. § 103 (a)**

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Valentine, *et al.* (US 6,353,607). The Applicant respectfully traverses the rejection of this claim.

As provided in MPEP § 2143, "[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Figure 4 in the Valentine reference is cited as suggesting the steps of the message being routed via a selected MGW to an MSC server. MGW 72 is the "corresponding" gateway to the MSC 12 as discussed above. In column 4 of the Valentine reference, MGW 72 is located at an MSC site within a service zone of the PLMN. The Applicant respectfully submits that this figure actually supports the Applicant's contention that the MGWs and MSCs correspond. This being the case, the combination of the Valentine over all and the Valentine Figure 4 does not support a prima facie case of obviousness. Furthermore, claim 3 depends from claim 1 and contains the same limitations. The Applicant respectfully requests the allowance of claim 3.

The Examiner rejected claims 2 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Valentine in view of Easley (US 2007/0093245). The Applicant respectfully traverses the rejection of these claims.

The Easley reference is cited for teaching positional information being determined from the routing information (paragraph [0059]). The Applicant respectfully

notes that the Applicant's present invention is directed to locating a mobile phone so that messages can be transferred to and from the mobile by a particular node. For instance a mobile terminal traveling in Malmo whose home MSC is in Gothenberg connects to a particular gateway in Malmo that improves efficiency of the call. The cited portion of Easley discloses routing "Laura's call" in a conventional manner that includes use of an IAM. Nowhere in the cited portion is the location or position of Laura mentioned. In fact, nowhere in the Easley reference is physical location of the calling party or the called party mentioned or taught. All 'location' references are related to the operation and use of a Home Location Register of the mobile terminals. As demonstrated, the location of the mobile terminal's MSC is not pertinent to the present invention.

The Applicant respectfully contends that neither Valentine nor Easley, when considered individually or in combination, disclose all the limitations of claims 2 and 8. Claims 2 and 8 depend from independent claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 2 and 8 is respectfully requested.

The Examiner rejected claims 4-6 under 35 U.S.C. § 103(a) as being unpatentable over Valentine in view of Lin (US 2002/0196770). The Applicant respectfully traverses the rejection of these claims.

The Lin reference is cited for teaching split architecture. The Applicant respectfully contends that Lin does not supply the limitations lacking in the Valentine reference – selecting MGWs - as discussed above. This being the case, the Applicant respectfully requests the allowance of claims 4-6.

Claims 4-6 depend from independent claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 4-6 is respectfully requested.

The Examiner rejected claims 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Valentine in view of Baird, *et al.* (US 7,539,179). The Applicant respectfully traverses the rejection of these claims.

The Baird reference is cited as teaching a network configuration with a combined media gateway/signaling gateway. The Baird reference fails to include the limitations missing from the Valentine reference. This being the case the Applicant requests the allowance of claims 22 and 23.

Claims 22 and 23 depend from independent claim 15 and recite further limitations in combination with the novel elements of claim 15. Therefore, the allowance of claims 22 and 23 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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